

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:16-CR-146
v.)	
)	
PATRICK WOODSTOCK,)	
WILLIAM JONES, and)	(REEVES/ SHIRLEY)
JAMAR WARNER,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant Jones' Motion to Extend Motion Deadline, Plea Deadline, Pretrial Conference, and Trial Date [Doc. 28], filed on January 18, 2017. The parties appeared on February 8, 2017, for a scheduled pretrial conference and motion hearing on this motion. Assistant United States Attorney Jennifer Kolman appeared on behalf of the Government. Assistant Federal Defender Bobby E. Hutson, Jr., represented Defendant Woodstock. Attorney Ruth Thompson Ellis represented Defendant Jones. Attorney Stephen G. McGrath appeared on behalf of Defendant Warner. Defendants Woodstock and Warner were present for the hearing. Defendant Jones, who was excused from the hearing, provided an affidavit [Doc. 30] stating his agreement with the requested continuance.

In her motion, Attorney Ellis asks the Court to continue the February 21 trial date and other deadlines in this case to give her time to prepare for trial. She relates that she was appointed to represent Defendant Jones on January 5, 2017, and, at the time she filed the motion,

had only recently received discovery. Ms. Ellis states that she needs time to review discovery and to engage in plea negotiations. Counsel for Defendants Woodstock and Warner joined in the motion to continue. They related that they had discussed the matter of a trial continuance and the right to a speedy trial with their clients, who did not object to a continuance.

AUSA Kolman stated that the Government also had no objection to the requested continuance. She stated that the last of the discovery, a two-inch stack of documents, would be provided to defense counsel within the next two days. The parties agreed to a new trial date of June 13, 2017.¹

The Court finds the joint motion to continue the trial to be well-taken and that the ends of justice served by granting a continuance outweigh the interest of the Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). First, the Court finds that Defendant Jones entered this case approximately six weeks before the trial date. Defendant Jones' attorney needs additional time to investigate the case, interview witnesses, consult with the Defendant, prepare and litigate any pretrial motions, and prepare the case for trial. Additionally, defense counsel for the codefendants need additional time to review the new discovery and to prepare and file pretrial motions as well. The Court set a new motion deadline of March 8, 2017. If any motions are filed, the Court will hear them at the pretrial conference and motion hearing on March 29, 2017. See 18 U.S.C. § 3161(h)(1)(D). In the case of dispositive motions, the Court will need time, not to exceed thirty days, to prepare a report and recommendation on the motions. See 18 U.S.C. § 3161(h)(1)(H). Thereafter, the parties will need time to file and respond to objections, and the

¹ Ms. Ellis noted that she has a status conference with District Judge Thapar on June 13 but said that she would address coordinating that matter with the Court, if necessary, closer in time to the trial date.

District Judge will also need time to rule. See 18 U.S.C. § 3161(h)(1)(H). The Court finds that all of this could not take place before the February 21 trial date or in less than three months. Thus, without a continuance, counsel would not have the reasonable time necessary to prepare for trial despite their use of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, the joint motion to continue [**Doc. 28**] the trial and other deadlines is **GRANTED**. The trial of this matter is reset to **June 13, 2017**. The Court also finds, and the parties agreed, that all the time between the filing of Defendant Jones' motion on January 18, 2017, and the new trial date of June 13, 2017, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. See 18 U.S.C. § 3161(h)(1)(D), -(1)(H), & -(7)(A)-(B). With regard to additional scheduling, the Court set a new motion deadline of **March 8, 2017**. Responses to motions are due on or before **March 22, 2017**. The parties are to appear before the undersigned for a pretrial conference and motion hearing on all pending motions on **March 29, 2017, at 1:30 p.m.** The new deadline for concluding plea negotiations and providing reciprocal discovery is **May 12, 2017**. The Court instructs the parties that all motions *in limine* must be filed no later than **May 29, 2017**. Special requests for jury instructions shall be submitted to the District Court no later than **June 2, 2017**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED**:

(1) The Defendants' joint Motion to Extend Motion Deadline, Plea Deadline, Pretrial Conference, and Trial Date [**Doc. 28**] is **GRANTED**;

(2) The trial of this matter is reset to commence on **June 13, 2017, at 9:00 a.m.**, before the Honorable Pamela L. Reeves, United States District Judge;

(3) All time between the filing of Defendant Jones' motion on **January 18, 2017**, and the new trial date of **June 13, 2017**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;

(4) The deadline for filing pretrial motions is extended to **March 8, 2017**. Responses to motions are due on or before **March 22, 2017**;

(5) The parties are to appear before the undersigned for a pretrial conference and motion hearing on all pending motions on **March 29, 2017, at 1:30 p.m.**;

(6) The deadline for concluding plea negotiations and providing reciprocal discovery is **May 12, 2017**;

(7) Motions *in limine* must be filed no later than **May 29, 2017**; and

(8) Special requests for jury instructions with appropriate citations shall be submitted to the District Court by **June 2, 2017**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge